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CONSIDERATIONS

ON THE

Independency of Ireland.

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ADDRESSED TO

His Grace the DUKE of NORTHUMBERLAND;

AND HUMBLY

Submitted to the early Attention of the Parliaments of
GREAT BRITAIN and IRELAND.

L O N D O N:

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MDCCLXXIX.



CONSIDERATIONS

O N T H E

Independency of Ireland.

God defends the Rights of Nations.

IT is handsomely observed by Addison,
“ that whatever arises from a good motive
“ and has a tendency to the public good,
“ is praise-worthy, although the execution
“ should not be equal to the design.” This
encouragement to a good intention, and apo-
B logy

logy for abilities which may prove unequal to the laudable wish and generous task, have inspired me, upon the present critical occasion, with zeal in the cause of my country, and, what I conceive to be, the cause of truth, and animated me to offer my sentiments upon a subject of great national importance, viz. "the independency of the "Parliament of Ireland on the Legislature "of Great Britain," which has lately, for, I believe, the first time, in this country, become a matter of doubt, and a subject of public consideration.

Whether the reasons assigned in the Public Advertiser, by a gentleman who signs with the letters G. N. proves that fundamental point in favour of Ireland, or those which I have to offer shall prove the contrary, will be respectfully left to the consideration and judgment of two discerning and spirited nations. In the mean time, I think it necessary to observe, as a further inducement to inquire after the letter which is the cause of this refutation, that the gentleman who is become a public advocate,
on

on so nice and important a question of *national right*, that essentially concerns two kingdoms, (the decision of which must regulate the future conduct of the Irish,) has good information and abilities, and manages both with such apparent moderation as becomes the respect due to the nation, and a cause of so much importance, which he has the courage to maintain upon a new ground, and boldly to stand forth a single champion for “the Independency of *Ireland*,” for should he succeed in proving the Independency of their Parliament on the Legislature of Great Britain, that of the nation will follow of course; and then there will be an end to the commercial and political advantages which we ought to derive from the dependency of that kingdom.

G. N. as I have said, writes in the Public Advertiser, as the best channel of news-paper information and circulation. His letter is long, sensible, and modest in point of language, but his doctrine is so repugnant to facts and experience, and his authorities so inconsistent with the principles he wishes to

establish, that by unfortunately proving too much (which is not applicable to the object he has in view) in regard to the Legislative Independency of Ireland, he has, in my apprehension, proved the contrary, notwithstanding it is very evident that he artfully endeavours to suppress the truth.

The apparent inattention of abler writers to this temporary and very alarming subject, has made me bold in the cause of my country, in hopes of saying something to the purpose, until men who have a *professional* as well as political knowledge of constitutions, law, and legislation, shall have the virtue to accept the challenge of the well-informed, artful, plausible, but inconsistent and uncandid writer, who signs G. N.

This advocate for Irish Independency begins with, "a notion that the Parliament
"or Legislature of Ireland is not control-
"able by that of Great Britain." This, which I believe never entered the head of any other man in this kingdom, is a very extraordinary notion, indeed; as, upon
exa-

examination of his own reasoning, it will be found he proves himself. He is not insensible of the singularity of the idea, and the danger of such a plea, and therefore, to avoid the consequences of detection or suspicion, he very artfully pretends "to suggest the notion under a doubt, more to get information than to give it," upon a point so very nice and truly interesting to the two nations. He is too good a politician to assert it positively at once, as an undoubted fact, but, with the appearance of doubt and candour, he feels his ground, and pretends to appeal to the superior judgment of the community at large, for their opinion and information. In this manner he steals upon the public, and after this delusive pretence to candour, G. N. states the case, and ventures to draw a conclusion suitable to the object he has in view, although it is manifest that he suppresses the truth. To detect that suppression and false conclusion, and to set the matter in a true light, that a fair deduction may be made, to undeceive the Irish, and to confirm the English in their right of supremacy over Ireland,

Ireland, shall be the subject of these pages ; and God, of his infinite goodness, grant that the truth may prevail, for the peace and happiness of the two nations !

G. N. is pleased to say, in support of his extraordinary notion, “ that the Parliament of Ireland never was subject to that of England, and, by consequence, cannot be subject to that of Great Britain.” This is a self-evident fact, which cannot be denied. I admit, that if it *was not* subject to the former, it cannot be subject to the latter, because the conquest was not made since the Union. But his assertion is not true, that “ it never was subject to England ;” for, according to his own state of the case, it has been absolutely subject thereto (without a doubt in the mind of any man in *this* nation, to create an opposition) ever since the conquest of Ireland. And yet, G. N. says, he cannot conceive how such a superiority, controul, or supremacy was *legally* obtained ! Not know it was legally obtained by conquest ? Does not conquest give a constitutional and legal right
of

of supremacy, as clear as any mathematical demonstration? To admit the conquest and not conceive how supremacy is legally obtained, is curious enough. Should it be said it was constitutionally (by the constitution of this nation) but not legally (by the assent of their parliamentary laws) it seems to be a distinction without a difference. If the conquest gave a constitutional jurisdiction, the assent of their parliament is unnecessary in points of supremacy. What is constitutional, is, in such cases, also legal. The legal assent or concurrence of the component parts of Legislature, such as the three estates of this kingdom, is proper and necessary to legalize every act of Legislature; but the legal assent of a subordinate authority, such as the jurisdiction of the Parliament of Ireland, in matters of supremacy, or constitutional points, of which that jurisdiction is incompetent, is extremely absurd. In matters competent to their authority, their concurrence and assent is necessarily required to render them legal; but not in affairs of which their jurisdiction is incompetent; such, for instance, as the great point

point now contended for, that concerns the supremacy; which supremacy, as the word implies, has no controul, but the principles of the constitution, by which the conduct, the actions, or national measures of the supreme Legislature are regulated.

But, says G. N. admitting the legality of “ the supreme controuling power of “ England over Ireland, how it is possible “ that *two legislatures* for the same dominion “ and territory can exist, at the same time, “ because every Legislature must necessarily “ be a *supreme power*; and yet one of those “ supreme powers (that of Great Britain) “ would be over the other supreme power, “ which is a contradiction.” *Risum teneatis amici!* The contradiction is not in the true state of the case, but in his confusion and misrepresentation.

For instance: Ireland, by conquest, was annexed to the Crown of England, and consequently became a dependency of Great Britain, or any other description which England might take subsequent to the acquisition. Thus, the *legal* controul or supremacy,

macy is established beyond a doubt. Indeed it never was disputed, or even doubted in England. And, what is extraordinary, although G. N. cannot, in one place conceive whence the legality arises, yet in many others he asserts it, and that we may believe him, he clearly proves it.

As to the “*two legislatures* of the same “dominion,” they exist only in his imagination. There is but one subordinate parliamentary jurisdiction in Ireland, subject to the *supreme* legislature of Great Britain. That “a legislature must necessarily have a “supreme power,” is only true of an independent one. A limited or subordinate legislature, like that of Ireland, established or confirmed by the conqueror, for local purposes, cannot be a supreme power, but a *dependent* one.

The truth is, Ireland has a parliamentary jurisdiction, but not a supreme legislature. Or if G. N. pleases, a national Parliament, but a controllable or subordinate legislature, which to act legally, must be confined to its limited jurisdiction. The

supreme power, constitutional authority, or legislature, is only to be found in Great Britain. The reason of this is evident ; a subordinate nation can have no constitution of its own. By legislature, I do not mean the *local* power of enacting laws, for subordination and good order, but an independent government. In Ireland legislation is limited by being legally controuled by the superior jurisdiction of the conqueror, who adapts it to the *general* interest and dignity of his crown. These are the fetters of conquest, and until those legal shackles of Government are taken off, who can be so weak as to entertain an idea of INDEPENDENCY, while he admits the Conquest ?

If the *Conquest* of Ireland is admitted, it is unnecessary to inquire what Kings have done, and what they have left undone ; or what Blackstone or other judges have said upon the subject. That single *word* proves the dependency of the acquisition, and, by consequence, establishes the supremacy of the country to which it is annexed, according to the law of nations, and the custom of all civilized states.

“ King

“ King John, says Blackstone, ordained
 “ that Ireland, by right of conquest, (than
 “ which there cannot be a clearer right)
 “ should be governed by the laws of Eng-
 “ land; but that many of the Irish were
 “ averse to that ordinance.” That is very
 natural. All conquered people are natu-
 rally attached to what they are most used
 to, and best understand. But, that natural
 aversion did not destroy the right of the
 conqueror, although it might affect the
 ordinance, and render its operations slow.
 As a proof that it did not affect the *right*,
 it has been constantly claimed, and never
 denied to succeeding British Monarchs, whose
supreme power has been fully established, and
 exercised, and until now, as fully acknow-
 ledged.

G. N. says, Blackstone's quotation proves,
 that the “ Parliament of England, instead of
 “ being supreme over Ireland, had no power
 “ to interfere in the jurisdiction of the Par-
 “ liament of Ireland.” It had none in the
jurisdiction, I readily admit. Nor has it any,
 at present, to interpose in the *jurisdiction* of
 C 2 their

their parliament, but in the supremacy, which is out of their jurisdiction. Great Britain does not pretend to have a power, either to abolish or lessen the parliamentary right of Ireland, confirmed or established since the conquest, but to exercise the supremacy of conquest in their subordinate legislature, in order that their national acts may operate to the *general* interest of the empire of which Ireland is a part; and of that general interest the supreme power of the conqueror is the best judge, or, at least, has the best right to judge.

If G. N. wishes to shake off the dependency of Ireland, he mistakes the *jurisdiction* of their parliament, which is in the subordinate state in which conquest has long placed it. Whether the supremacy acquired over their parliament has always been exercised to the advantage of the whole, is another consideration; at present the supreme power alone is contended for.

The Irish have no cause to be jealous of the jurisdiction of their parliament, which will never be violated. The supreme power
will

will always preserve the established bounds of subordinate authority. The conqueror, who establishes a system of government for a kingdom separate from his own, and reserves the supremacy which conquest gives to his crown, will not interpose his authority to abolish that form of government, nor encroach upon the established jurisdiction, but only maintain his right, by preserving the *supremacy* he has legally acquired, and the *effects* consequent to it. This will be the case in a limited monarchy, whatever may happen in an absolute government. And this is the case between England and Ireland.

G. N. says, “ the Parliament of England
 “ was *conscious* to itself, that it has no legal
 “ authority over the Parliament of Ireland,
 “ and that no man, or body of men, had
 “ any (the Sovereign *only* excepted), and
 “ that by virtue of his prerogative. The King
 “ having the *sole* right (by conquest and ac-
 “ quisition) of continuing or establishing a
 “ legislature *not repugnant to the constitution of*
 “ *England;*” which constitution G. N. loses
 sight of.

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If our constitution (as he admits) gives a power to the Sovereign, and restricts it to the principles of the constitution, does it not prove a *legislative* supremacy? If the King acts in a subordinate capacity to the constitution, does it not prove that, if his Sovereignty over Ireland is admitted, that of the supreme power of the legislature follows, of course, as the great cause, of which the regal power is the effect?

What does the former part of G. N's assertion, unshackled by the constitution, prove? Admitting that the English Parliament, at the distant times quoted, did not interpose their authority, leaving it intirely to the Sovereign to exercise the supremacy of conquest, it certainly does not prove "the *Independency* of Ireland on the legislature of this country," which is what he aims at. He proves the contrary himself by saying, that "the King has a right to continue, or establish a new legislature in a conquered country." This is the strongest proof of supremacy; and that this supremacy is in the English legislature, will clearly appear from what he adds,—that "the
" old

“ old or new legislature, so established,
 “ must not be repugnant to the constitu-
 “ tion of England ;” that is, it must be
 consonant with, and subordinate to, the
 legislature, or the three estates of the realm,
 which he calls the *Parliament* of England,
 and for whose authority he seems to have
 very little respect.

This supremacy in the legislature, he shews
 clear enough—and, as a further proof of
 it, he would do well to remember, when-
 ever he admits the Sovereignty of our Kings,
 that the limited Monarch of Britain has no
 distinct legislative power (except over his
 German dominions) for the prerogative it-
 self is controulable by the constitution, which
 is the essence of our free state.

To maintain a different doctrine, that is,
 to contend that the Sovereign of a limited
 government, can exercise a power distinct
 and independent of parliament, over either
 Ireland or other *conquered* countries, is as
 dangerous as it is erroneous. It is taking off
 the constitutional restrictions of a limited
 Monarch,

Monarch, and making him an absolute Sovereign.

Whenever the conquered dominions of the East Indies shall belong to the nation, they will be annexed to the Crown, not subject to the sole power of the prerogative, but to the united powers of the constitution or legislature. The rights and dignities of the Crown are nominal, for they are national rights and constitutional powers. The royal prerogative is a delegated and conditional authority to be exercised so long as (to use his own words) it shall not be *repugnant* to the constitution; that is, to the constitutional authority, the national power, the legislature, the three estates of the kingdom, the Sovereign and his *Parliament*, to whose authority G. N. has a great objection.

He allows the King to be Sovereign and Supreme over Ireland, but does not admit the supremacy of the English Legislature, as if Ireland was conquered for the exercise of the King's prerogative, and not for the Legislature of this nation!!!

It is a strange way of proving the *Independency* of the Parliament of Ireland by establishing the absolute power of the Sovereign, and his independence on the Constitution. To what absurdities are party men driven! He gives a power to the King which his Majesty has too much modesty to think of, and would have too great a regard for the Constitution to exercise. A power as repugnant to his ideas of the *Independency* of the Irish Parliament as it would be inconsistent with the Constitution of England.

If G. N. would consider Ireland as a conquered country, annexed by conquest to this nation, it would, perhaps, occur to him, that as a national acquisition, it is subject to the Legislature, in general, and not to the regal power, in particular. Then the parliament of Ireland, exercising its legal jurisdiction, as established by the Conqueror, would be subject to the controuling authority, or supreme power of the Legislature or Parliament of Great Britain; instead of the "Sovereign with the Lords and Commons" of Ireland forming the *only* Legislature",

as he pretends, contrary, I am sure, to his own conviction.

This new doctrine in England is, as I have shewn, not only extremely absurd, but equally dangerous, by giving to the King the power of the whole Legislature of Britain, without doing the least service to the cause of Irish *Independency*.

His objections are intirely, and, as I shall endeavour to shew, *absurdly* against the Parliament. He says, “ the Parliament of
“ England could not interpose, because, by
“ the Constitution of England, whatever
“ dominion is added to the crown, the Sovereign, in right of his prerogative, has
“ the sole right of continuing the Legislature, or establishing a new one not *repug-*
“ *nant to the Constitution of England.*”

What does this prove? The first part says, the Constitution gives a power to the Sovereign; and the last part, that it is a conditional one, consistent with the component parts of Legislature, or the authority of the English Parliament. The Sovereign, or the Crown, claims the supremacy, and supports it by
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the constitutional power, that is, the Legislature or Parliamentary authority.

In this manner does G. N. defeat himself throughout.

Scotland was never in the same predicament with Ireland. When the two kingdoms of Scotland and England were subject to one and the same Sovereign, to the time of the Union, the case of the Scots was far from being parallel with that of the Irish. Although they were then both subject to the same Monarch, they (England and Scotland) were separate and distinct governments, having independent Constitutions, or supreme Legislative powers of their own: and being distinct and equally independent of each other, (that is, they were subject to one regal power, but to two Constitutional authorities, or systems of government) so, to destroy all distinctions of authority and national apprehensions, an Union took place, which made the two kingdoms one nation, subject to one and the same Constitution or Legislative authority, viz. the King and Parliament of Great Britain.

The Parliament of England, prior to the Union, had no authority over the independent Parliament of Scotland, which was subject to our Sovereign, but not to our Legislature. If there was then any superior Parliamentary power, it was in Scotland, as the *natural* is always superior to the *acquired* dominion, although there is a wide difference between accession and conquest. The point of superiority, however, happily ceased by the Union of the two kingdoms of North and South Britain.

Until that period, the Parliament of England certainly did not exercise any right of supremacy over that of Scotland, because it claimed none. Scotland was not conquered like Ireland, nor acquired, by accession, to establish the claim of supremacy. On the contrary, England was acquired, not by Scotland, but by the accession of their Sovereign. The distinction between a national acquisition and a regal accession makes a most essential difference in Legislation. In the former case, which is that of Ireland, there is one subordinate and one supreme Legislative power.

power. In the latter, which was that of Scotland, or rather of England, there were two distinct Legislatures, equally independent and supreme in their respective jurisdictions or governments.

The conquest of Ireland differing so essentially from an accession of Sovereignty, she is subject to the form of government established, (as G. N. allows) and, by consequence, to the supremacy of the Constitutional or Parliamentary authority of this nation.

It is impossible to follow this Irish advocate through his inconsistencies without some repetitions and confusion.

As a proof of the *Independency* of the Parliament of Ireland on that of England, he says, "Modern Lawyers acknowledge that
 "Ireland is not bound by any acts of the
 "British Legislature made since 10 Hen.
 "VII. unless especially named or included
 "under general words; but that where
 "Ireland is named, or included, under
 "general words, they are bound by such acts
 "of Parliament." Blackst. Com. sect. 4. p. 101.

Nothing is more simple, or a stronger proof against the doctrine of G.N. It states plainly and truly the superior power of the British Parliament and the dependency of that of Ireland, which is a dependent jurisdiction.

But, without the above authority of the learned and candid judge, common sense and the experience of every session teaches that where Ireland, or America, or any *remote* dominion (*locally* not legislatively distinct from Great Britain) are not described, they cannot be comprehended in the act; but where they are described or included, they are bound. This is the case, even with Wales, which is included by the description of "that part of England called "Wales." This is necessary, not as a remote dominion, but as a distinct principality in England. And whilst it shews the legal power of the Legislature, it discovers the care that is taken not to encroach upon any jurisdiction, or bind the dependencies of the Empire, but by the legal means
conso-

consonant with, that is, in his own words, *not repugnant to the Constitution of England.*

Admitting this doctrine, from the authority of Blackstone, which he has quoted, it is, as he observes, “ a strong assertion that “ settles all controversy,” but, unfortunately for him, not his own way. He can, however, have no objection to this legal decision of the matter, as it is supported by his own proof,

G. N. with great art or much ignorance, frequently mentions Parliament instead of the Legislature of this country. If he considers them as one and the same thing, he ought to blush when he reflects that he allows the King to be Sovereign and supreme over Ireland, without the Constitutional powers of his British Parliament, and yet objects to the supremacy with the concurrence of the Parliament, which he will not have to interfere at any rate. The distinction is idle, and the conclusion ridiculous. To say, that the Parliament of England has no right to interpose in the dependencies of this nation

tion is too absurd for a serious answer. G. N. is tenacious of the *jurisdiction* of the Irish Parliament, and yet will not suffer the exercise of the jurisdiction of the British Parliament, which being supreme over all our national *Dependencies*, must necessarily interfere with Ireland, as one of them.

This plausible but uncandid advocate shews very plainly, against his own doctrine, that the King cannot act legislatively without his Parliament, by affirming, that although the Constitution gives a nominal power to the Crown, the real authority is reserved for the Legislature; as the Sovereign cannot exercise his authority “*repugnant to the Constitution of England*,” which requires the concurrence of the other two estates of the kingdom, or component parts of the Legislature, *i. e.* the two Houses of Parliament, without which the Sovereign cannot enact a single law to bind or affect Ireland, or any other part of his Majesty’s dominions.

The statute of the 1 William and Mary, sets forth, “that the illegal Parliament of
“ Ireland,

“ Ireland, assembled at Dublin, was without
 “ the authority of their said Majesties, &c.
 “ and in opposition to *the Sovereignty* and in-
 “ herent *rights and dignities of the Crown* of
 “ this realm.”

This he quotes as a proof of the Sovereign's power, but not of the authority of the English Parliament, which he ignorantly, or rather uncandidly denies, notwithstanding he produces himself the clearest proofs of it. For, let me ask G. N. what are the rights and dignities of the Crown, but those of the Constitutional powers of the nation, that is, the Legislature, or what he calls the Parliament ?

“ The reason alledged for the controuling
 “ power of this country interfering, says
 “ G. N. was rather *extraordinary*—that it
 “ had passed several acts in opposition to the
 “ Sovereignty, and to the inherent rights
 “ and dignities of the Crown of the realm—
 “ *not to the Parliament of England.*”

Is it not more *extraordinary* that his quotations should totally refute the absurd doc-

trine he takes so much pains to establish ? It would have been an extraordinary exertion of power indeed if the statute had, contrary to the nature of all acts, said, “ in opposition to the *supremacy and rights and dignities of Parliament.*” For the Parliament of a regal state can have no nominal dignity, nor any Legislative power but in conjunction with the Sovereign, who together make the Legislative or Constitutional authority of the nation, which is supreme over every dependency or component part of the Empire, whether annexed by union or acquisition, the condition of Scotland and Ireland, &c.

G. N. as, I believe, I have more than once observed, admits the supremacy of the Sovereign, but is angry at the interposition of the Legislature, that is, the King with the *Constitutional* advice and concurrence of his Parliament; trusting rather to one than to the three estates of the kingdom.

One would be inclined almost to think that this Gentleman, under pretence of settling the Independency of Ireland, wishes to
intro-

introduce a new doctrine, and to establish the Independency of the Crown on the Parliament of Great Britain.

He has not mentioned a single claim of the Irish to Independency, nor so much as a word in four columns, tending to it. The only foundation for such a right, or rather such an extraordinary notion, is the *less* attention given at a distant period than what, in late reigns, has been found necessary by the Parliament of Great Britain. But, whether that was owing to neglect, or found unnecessary, it is far from resigning the supremacy of the English Parliament, or establishing the Independency of the Parliament of Ireland.

This plausible writer says, "the great question is, *whence* is the right of the English Parliament *derived*? For on that alone can the power be legally and equitably established."

I subscribe to this inquiry, and shall abide by the issue.

The right of controul is *derived* from the Conquest, which, he acknowledges, gave the supremacy to the Crown. The Sovereign supports that legal right by the exercise of the Constitutional powers of the nation, which he sometimes calls the Legislature, but oftener the Parliament. Is not this point clearly ascertained, and legally and equitably decided?

This acquired right, so long derived, or power over Ireland, as a conquered country, annexed to the dominions of England, now called Great Britain, being clearly traced, justly founded, fully claimed, and as fully granted, the acts of late Sovereigns have done no more than *explain* what had been claimed, allowed, and established, and what indeed was too evident to admit a shadow of doubt. That explanation therefore was not, as G. N. asserts, "a violent stretch of a former power founded on no right." It was only a full and proper elucidation of the right of conquest, well founded, fully established, and never denied*.

" By

* Although it was denied by a member of the House of Commons, it was so far from being the sense of their

“ By the 6th Geo. I. the Sovereign of
 “ England is also Sovereign of Ireland : but
 (forgetting that he admits it throughout)
 “ how does it appear (says G. N) and where
 “ is the right founded that gives a power to
 “ the King to make laws to bind Ireland ?”
 “ No where that I know of,” says G. N.
No where with his English Parliament :
Every where without his Parliament. This
 has been all along his language. Now he
 says, it appears no where—the right is not
 to be found any where !!! What a wonder-
 ful discovery this Gentleman has made !
 He has discovered that the right of conquest
 is not to be found, that it does not appear
 any where, and, by consequence, that the
 Irish have been long oppressed with the fet-
 ters of an usurped authority, and therefore
 they ought to shake off the shackles of
 Dependency after the example of America.

This is strange doctrine, in time of re-
 bellion, which if not prevented may, like

Parliament that they expelled him for maintaining an opi-
 nion opposite to their own.

contagion,

contagion, infect Ireland, and increase the misfortunes of resistance and a Civil War.

G. N. sometimes denies, and at other times admits, the power of the Crown over Ireland, but seems to have a strong prepossession in favour of the Irish, and therefore he is unwilling to acknowledge, for, to do him justice, he is too sensible and well informed not to know that the Constitutional authority of the Sovereign, is that of the Legislature, or a limited Monarch, acting with his Parliament, consistent with the Constitution; or, which is the same thing, the inseparable powers of the Constitution.

The following are his words: " In the
 " consideration of the present case, it should
 " be remembered, that Ireland had, from
 " the time it was *conquered*," (here is the
 right that appeared no where, and was not
 to be found any where,) " been always sub-
 " ject to the Sovereigns of England *only*,
 " and not to the Parliament of England,
 " through a long succession of Kings; and
 " it is the constitution of England, that all
 " conquests made by the English do belong,
 by

“ by prerogative, to the Crown of Eng-
 “ land ; and *that*, consequently, has the
 “ sole right of government therein, *adapting*
 “ *it to the English constitution.*”

A Sovereign authority *adapted*, in one place, to the English constitution, and in another, not *repugnant* to it, are restrictions very unfortunate for the doctrine of G. N. in favour of the prerogative, and against the parliament or legislative power. How can the gentleman (for he writes with the temper and education of a gentleman) admit the former, and deny the latter, when it is evident that a person of his good sense and information, must necessarily know, that the latter is the cause of the former, as he in another place acknowledges, by saying, that the Sovereign must not act repugnant to the constitution. This confession, which is the truth, shews the supremacy of the constitution over Sovereignty itself, as must be manifest to a common observer. A conformity to any authority whatsoever, shews evidently a subordination in the power conforming, and supremacy in the authority conformed to.

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In short, to admit the power of the Sovereign over Ireland, and to deny the supremacy of the British Legislature or Constitution, is admitting the *effect*, and denying the *cause*, which is an absurdity, that disgraces G. N.'s abilities, and calls his candor in question.

It is evident that this inconsistent Gentleman wishes to establish the Independency of Ireland, and would lay the foundation, if he knew how, but, notwithstanding the justice I am willing to do to his talents and information, he is so blinded by prepossession and prejudice, that the greatest Marplot cannot set so awkwardly about it.

For example: He admits the conquest, and thereby establishes the right of this nation, and the consequent Dependency of Ireland. He also admits the Sovereignty and right of the Crown, but when he forgets himself, he denies that right, and talks of the exercise of a power "founded on no right." He pleads hard for Irish Independency, and is, at the same time, a great
advocate

advocate for the prerogative of the Crown over a conquered nation. How does Sovereignty accord with Independency? Are Supremacy and Dependency the same thing? Or, is the supremacy of the Sovereign more desirable than that of the Legislature or Constitution of England? I ask this question, because he so often endeavours to distinguish between the power of the Sovereign and the authority of the British Parliament; and admits the former, while he denies the latter, although the one is consequent to, and inseparable from the other, as I have shewn.

If Ireland is subject to the supremacy of the British Sovereign, and the Sovereign to the Constitution, is not the *Legislature* the supreme power? If the Parliament has jurisdiction over the nation, it certainly must have over its *dependencies*. Until, therefore, it can be proved, that Ireland is not one of them, it must be allowed the British Parliament can legally exercise its legislative authority over the Parliament of Ireland; which, from the conquest to this day, has

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been

been a limited and subordinate jurisdiction, subject to the supremacy, and, consequently, under the controul of the legislature, or constitutional authorities of this nation.

G. N. has a mighty objection to the authority of the British Parliament, although he says, “ the power of the Sovereign must “ be *adapted* to the English Constitution ;” that is, to the constitutional legislative powers of the kingdom, consisting of the Sovereign and his Parliament, who, as a Legislature, are inseparable.

The repetitions, contradictions, inconsistencies, and quotations against himself, are so many, and so glaring, as to render his *defence of Irish Independency*, the strangest production that ever appeared in the Public Advertiser. I cannot, however, conclude, without taking particular notice of that passage in which he is pleased to say, “ the “ Public should remember that Ireland had “ from the Conquest, been always subject “ to the Sovereigns of England *only*, and “ not

“ not to the Parliament of England, through
 “ a long succession of Kings.”

How can a man sit down seriously to write of Independency;—of a right of controul, “ not to be found any where ;—of a supremacy founded on no right,” and many similar expressions, after acknowledging the Dependency of Ireland *through a long succession* of our Sovereigns? His memory must be very bad. But that is not the principal point I mean to avert to in the above passage in his Letter; “ the being subject to the “ Sovereign of England *only*,” is what I wish to explain and refute, by setting it in a true light, as it is the foundation of his reasoning, and his hopes of establishing “ the Independency of Ireland on the Parliament of Great Britain.”

G. N. is too shrewd, not to be sensible of the importance of this doctrine to his cause, and therefore, like a good Politician, he leaves it, and returns to it, just as it strikes the Public, and suits his own purposes, the success of which depends upon a proper

of this passage. By saying the Irish have been always subject to the Sovereign *only* of England, he places Ireland exactly in the same predicament with Scotland, before the Union, and frequently takes occasion to call it a parallel case. This point he manages with all the art he is master of, but, notwithstanding his address, it requires no great penetration to discover, that he labours to suppress the truth, and by that suppression he draws a false conclusion.

For the Irish to have been subject to the Monarch of England *only*, they must have been exactly in the same situation as the Scotch before the Union, whereas it is evident their case was as opposite thereto, as Dependency is contrasted to Independence.

When two nations are governed by one and the same Sovereign, by the accession of one of those nations to his Crown, and having independent Constitutions of their own, then the kingdom acquired by accession of sovereignty (not in right of the nation) is
subject

subject to the Monarch *only*, and that was the case of Scotland, which was a sovereign acquisition. But it was not the case of Ireland, which nation being subdued, it became a *national* acquisition, and, by consequence, subject, as all such acquisitions are, to the Legislative powers of the nation in general, and not to the Sovereign authority alone. This is the distinction and the great difference that destroys the ground-work of G. N.'s arguments and hopes. Regal acquisitions, by accession of Sovereignty, belong to the Sovereign power only; but national acquisitions by conquest, are necessarily subject to the Legislature in general, or the national authority. The former was the fate of Scotland, before the Union. The latter is that of Ireland. The former had a Constitution and supreme Legislature of *her own*, which denotes Independency. The latter has no such supremacy of her own, but is subject to the Constitution of England, which proves Dependency, and fully controverts the doctrine of G. N.

CINCINNATUS.

POST-

P O S T C R I P T.

G. N. in a second Letter, says very plausibly, but very inconclusively, that “ the
 “ Parliament of Scotland before the Union,
 “ while both nations were governed by
 “ the same Sovereign, was not subject to the
 “ authority of the English Legislature, (a
 “ point which is not disputed) seeing it
 “ possessed a Legislature of *its own*, which
 “ enacted all laws, and which was therefore
 “ its only just and true Legislature, that con-
 “ sequently excluded all jurisdiction of that
 “ of England, and which, had it not been
 “ empowered to do, the Union had been
 “ useless ; so neither doth it appear by what
 “ *legal means* the Legislature of Great Britain
 “ can controul the Legislature of Ireland,
 “ which has likewise a proper and just jurif-
 “ diction of its own.”

With

With regard to Scotland, the Gentleman is perfectly right, and had it not been for such a cause, such a consequence as the Union could not have been derived. Had the contracting nations not been *equally* free and independent of each other, the Union had been useless. But in regard to Ireland, he is totally mistaken, or rather, for it cannot be the effect of ignorance, he has suppressed the truth by misrepresentation. He is certainly too sensible and well informed, not to know, as I have already observed, that the case of Scotland was not parallel with that of Ireland. Scotland was exactly in the predicament he describes. She had a constitution of her own, which excluded the supremacy or interposition of the Legislature of England. That was a proof of *Independency*. But the very reverse of this is the predicament of the Irish. Ireland, for instance, has a parliamentary jurisdiction of her own, but not a Constitution, for she is subject to the Constitution of England, which is as clear a proof of *Dependency*.

This is, as I have fully shewn, the distinction and wide difference between the
two

two cases of Ireland and Scotland, before the ~~Conquest~~. Scotland was undoubtedly independent, and Ireland unquestionably dependent. The former had a Constitution and supreme Legislature, the latter has no Constitution or supreme legislative power, but only a limited parliamentary jurisdiction, subject to the Constitution of England, for the reasons and purposes I have assigned. The two cases not admitting of a comparison, the conclusion drawn from that of Scotland is false, from misrepresentation. It therefore evidently appears "by what legal" means the Legislature of Great Britain "can controul the Legislature of Ireland," for, I repeat, Ireland has not a proper Legislature, as he pretends, she has only a parliamentary jurisdiction, competent in some cases, and incompetent in others, subject to the British Constitution, and not independent of it, as that of Scotland was.

The consistency of such a right and power vested in the Legislature of Great Britain, under such a predicament, having been discussed, obviated, and the legal means produced

duced, by which such a right has been acquired, established, and exercised; and that consistency having been corroborated by the above refutation, I must, contrary to the opinion of G. N. necessarily conclude, that such a right can and doth legally exist in the Constitution or Legislature of Great Britain over the Jurisdiction of the Parliament and the Dependency of the kingdom of Ireland.

G. N. says, “ if the right doth exist, in
 “ despite of the inconsistency of *two Supreme*
 “ Legislative Powers, established in the same
 “ territory, and for the same jurisdiction, this
 “ must have been effected by some formal re-
 “ signation made by the People of Ireland, of
 “ the power they *unquestionably* possessed, into
 “ the hands of the British Legislature, by
 “ and with the consent of the Sovereign.
 “ But *inconscious* that any such formal sur-
 “ render hath been made, acquiesced in,
 “ admitted and received ; I am under the
 “ necessity of concluding, that such power
 “ of controul doth not exist of right in the
 “ British Legislature.”

Two *supreme legislative* powers established for the same territory and for the same jurisdiction, would indeed, as he observes, be a great inconsistency, but I have shewn that as there cannot be, so there are not two supremacies for the same territory and jurisdiction. There is only one dependent parliamentary jurisdiction in the territory of Ireland, and one supreme controuling Legislature *for* that, *but* not *in* that territory, and that sole supreme legislative power is in Great Britain, by the undoubted right of Conquest and consequent dependency. That legislative jurisdiction is not the *same*, but separate and superior to that of Ireland. This being, in my apprehension, a true state of the case, there was, by consequence, no occasion for “*some*” “formal resignation made by the People of” “Ireland of the power which, he says, they” “possessed, into the hands of the British” “Legislature;” because it is evident, from what I have said, that the Irish did not possess any such power; nor could the English, consistent with their established right, require any such renunciation, since the re-
quisition

quisition would have been an acknowledgement of the Independency of the Irish, or, at least, a doubt of their Dependency.

Contrary, therefore, to the conclusion of G. N. it is manifest, that the power, which that Gentleman, with great resolution and confidence says, the People of Ireland *unquestionably* possessed, could not be in possession of the Irish, consistent with the idea of Conquest, the dependency acquiesced in, the supremacy admitted, and the controul established and exercised; by which, to use the words of G. N, I am under the necessity of concluding, that “ the power of controul
“ necessarily did, and, by consequence, still
“ doth exist, of right, in the British Legislature.”

“ The same reasoning and arguments, says
“ G. N. which have been adduced to shew
“ the Legislature of England did *not* possess
“ a controuling power over Scotland and
“ its Legislative powers, previous to the
“ Union, and which have been applied to
G 2 “ Ireland,

“ Ireland, extend in like manner to America.”

The falacy of his reasoning and arguments, and the false conclusion drawn from such misrepresentation, have been sufficiently exhibited to convince every candid reader that G. N. has mistated the case, by suppressing the truth, and drawn an unjust conclusion, contrary to his own good sense, knowledge, and experience, and contrary, I trust, to the conviction of every dispassionate person in both kingdoms.

“ If neither Scotland, nor its Legislature,
 “ before the Union, when that nation was
 “ governed by the same Prince, who ruled
 “ in England, were subject to the controul-
 “ ing power of the English Legislature, so
 “ neither can Ireland be so ; nor can Ameri-
 “ ca, be more so than Ireland ; or than
 “ Scotland then was ; for America, before
 “ the war (he might have said the rebel-
 “ lion, which would have made a material
 “ difference) “ was in the same predicament
 “ with Ireland, or Scotland, before the
 “ Union,

“ Union, with respect to Sovereign and Le-
 “ gislatures. America, before the war (re-
 “ bellion) and some time after it was begun,
 “ *constantly* acknowledged the supremacy of
 “ the Sovereign of Great Britain,” (he might
 have said of the Legislature, which he
 artfully avoids throughout) “ but would
 “ not submit to unconditional terms, or a
 “ legislative and taxative power over them
 “ to be rested in the Legislature of Great
 “ Britain. It therefore remains to be proved,
 “ how this right or power of the British
 “ Legislature over America and its Legisla-
 “ tures is claimed and established?”

When a case is falsely stated the conclu-
 sion cannot be just. The effect will be like
 the cause.

G. N.'s sheet anchor is the predicament
 of Scotland, antecedent to the Union. But
 I have shewn that the situation of Scotland
 was totally different, at that period, to Ire-
 land, and as opposite as the poles, and there-
 fore not at all applicable to his purpose.
 The Scots, as I have said more than once,
 were

were independent. The Irish are the very reverse, by being dependent. The Scots were never conquered, the Irish were subdued. The Scots did not so much as belong to the English by accession, or concession, but the English Crown belonged to the Sovereign of Scotland by accession. Nothing could be more independent and honourable than the situation of Scotland. Nothing more dependent than the Irish, by right of conquest, which is the greatest of all rights, and the clearest of all dependencies. The Scots had a Constitution of their own, or an independent Legislature, the Irish have no Constitution, they have only a parliamentary jurisdiction, for local reasons, subject to the British Constitution. The cases therefore of the Scots and Irish are so widely different, that I am astonished how G. N. could bring so weak a foundation for the independency of Ireland, and so far insult the understanding of the English, and impose on the credulity of the Irish, as to place the dependent kingdom of Ireland upon a level with the independent kingdom of Scotland; and conclude, (from a case
which

which so far from being applicable is totally repugnant) that as the English did not exercise the power of controul over Scotland, when, from the independency of the Scots, they could have none to exercise, so neither ought they to exercise their controuling authority over the Irish, whilst it is evident, from an opposite predicament, they have that legal right, and ought to exercise it over Ireland.

Really the manifest partiality and misrepresentations of this Gentleman are so great, that they hardly require a serious answer; which nothing but his writing with the temper of a Gentleman, and the fear that his plausible reasoning may have a dangerous effect, could induce me to refute.

I say again, that the situation of Ireland is quite the reverse of that of Scotland before the Union, and consequently the rule of conduct for Great Britain towards Ireland (one of her dependencies) cannot be taken from that which England observed to Scotland, prior to the Union of the two nations,
and

and the making two independent Legislatures into one Constitution only.

“ Nor can America, says G. N. be more
 “ subject to the controul of the British Le-
 “ gislature than Ireland, for America be-
 “ fore the rebellion was in the same predi-
 “ cament as Ireland, or Scotland before the
 “ Union, with respect to Sovereign and
 “ Legislatures.”

I do not know (although it is not difficult to conceive) why G. N. has thought proper to drag in the Americans, for I am sure their case neither strengthens nor does credit to the cause of the people of Ireland; who, I hope, will pursue a line of conduct more honourable than that of resistance, after the example of the Colonies.

The above is another gross misrepresentation and delusion. The Americans were not in the same predicament (before they revolted) with either the Scots or the Irish. Widely different indeed from that of the Scots, who were free and totally independent,

dent, whereas the Colonies, being planted at the expence of the English, and principally with their subjects, North America was the undisputed property and Colonies of the English, and therefore subject to the Legislative powers of the parent State. England was the Mother of the Colonies, and therefore nothing could be more natural or stronger than the right of controul in the British Legislature over the property and the natural subjects of the British nation, who were nourished and supported at the expence of the Mother Country. Was that the case of Scotland? Was it the case of Ireland? Then how could America, before the rebellion, be in the same predicament with Scotland before the Union or Ireland? The Irish are dependent on the Legislature of Great Britain by acquisition, or the right of conquest; the Colonists are the *natural* subjects of this State. The difference between the Dependency of the Americans, before the rebellion, and the Irish is this, the former were natural, the latter acquired subjects. The obligations of the Colonists were more natural, stronger,

H

and

and their Dependency greater, because a Parliamentary jurisdiction, controulable by the English Legislature, was irrevocably established in Ireland, whereas in America no such jurisdiction exists, nor any other authority but what was, for local reasons, established by England in the Assemblies of the Colonies, subject to the Legislature of the parent State, whose constitutional and legal power they fully acknowledged 'till very lately, and even since the Civil War begun; and G. N. is candid enough to allow, that until then they *constantly* acknowledged the supremacy of the Sovereign of Great Britain, he might have said of the Legislature, for as they were the natural subjects of this nation, they were certainly subject to its Legislative or Constitutional authority.

Thus, I trust, I have fully proved, "*how*
 " this right or power of the British Legisla-
 " ture over America and Ireland, is claimed
 " and established." How it was constitu-
 tionally claimed, justly established, and le-
 gally exercised over *natural* subjects in his
 Majesty's

Majesty's Colonies in North America, and over *acquired* subjects in his kingdom of Ireland.

The *extent* of Legislation and the near *relation* which taxation bears to it, are points foreign to the present purpose, and seem to be artfully introduced by G. N. either to defend the revolt of the Americans, or to justify similar resistance in the Irish. But, whatever may be his motives, the science of legislation and taxation has nothing to do with the right of supremacy, which G. N. and him only, has lately questioned*. That *right* of the British Legislature over the jurisdiction of the Parliament of Ireland I contend for without considering how far it is necessary to exercise it. The authority is one thing, the exercise of it another. If the first is admitted, I shall not deny but that the latter may be either misapplied, or too far

* This doctrine is new in England, and although it has been maintained in Ireland, the expulsion of the Author from their House of Commons, shew it was contrary to the sense of their Parliament, to the interest of that nation, and to the right of this. That expulsion is the clearest proof of their acknowledged Dependency.

extended. It is possible, that a Legislature may, in some instances, act inconsistent with the particular interest of one part of the empire, and repugnant to the general interest of the whole, and I will not pretend to say whether that was or was not the case in regard either to America or Ireland. A resistance to the exercise of a power repugnant to such interests may, for ought I know, be justifiable in reason, but cannot destroy the right of the nation to the dependency of the people so aggrieved, unless the legal power of the Legislature should be so *wantonly* exercised as to force them to procure the justice which the Legislature denies them. For such is the happy condition of the subjects of a free State that the obligations of the people and government are reciprocal, and therefore whenever the Legislature violates the rights of the community, the people will necessarily revolt, and resist the authority of government.

How far the Legislature of Great Britain were mistaken in the exercise of their authority over America, and how far the Colonies are justifiable in resisting the

the

the exercise of that authority, or whether there was any mistake of the one side, or justification necessary of the other, is not my design at present to enquire. I only contend for the right of the Legislature of Great Britain to controul the Colonists, as his Majesty's natural subjects, and also the jurisdiction of the Parliament of Ireland, established over acquired and acknowledged subjects, in answer to G. N. who maintains the contrary.

He has said a great deal on the subject of America, which, if it proves any thing, tends more to shew the impolicy of our conduct towards the Colonies, than to destroy the right of Supremacy, and establish the *Independency* of America and Ireland, which G. N. has in view, and seems to have very much at heart. Such a design is truly alarming, and may do a great deal of mischief. It justifies the Rebellion in America, and encourages the resistance of Ireland upon the same principle, and for the same object of *Independency*, which, if he should not not be able to establish, by force of reasoning, they will perhaps be ready to accomplish by
force

force of arms, after the example of the Americans.

How far it is prudent for a wise Government to permit the publication and circulation of such delusive and dangerous opinions of Independency and Resistance, to infect, like contagion, the minds of the people in both nations, and to increase our national misfortunes, may be worthy of the serious consideration of the Legislature.

* * * The Dependency of a conquered country being indisputable, I shall very soon endeavour to shew what the Irish have a right to expect, and what we ought, in my apprehension, to grant, in justice and sound policy, before necessity (the Mother of Violence as well as Invention), forces them to take what we ought to give, for their early relief and future welfare.



F I N I S.

